

**Motor Carrier Group Chairman's Factual Report  
HWY-05-MH035**

**Attachment #28: FMCSA Regional Emergency Declaration**  
(4 Pages)



U.S. Department  
of Transportation

Federal Motor Carrier  
Safety Administration

August 31, 2005

Southern Service Center  
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In Reply Refer To: MC-EFS-SV

## **DECLARATION OF REGIONAL EMERGENCY**

### **49 CFR 390.23**

Hurricane Katrina has temporarily halted off-shore oil and gas production in the Gulf of Mexico; shut down most of the refineries and pipelines along the Gulf Coast; and damaged storage facilities and transportation infrastructure throughout the region. The disaster has nationwide effects.

In order to prevent significant disruptions to the nation's transportation system, existing stocks of gasoline, diesel fuel, and jet fuel will need to be re-distributed by commercial motor vehicles in order to meet demand normally supplied by Gulf Coast operations.

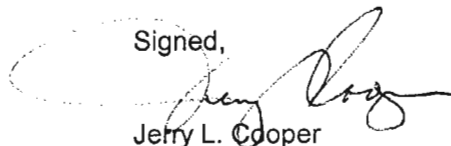
I am therefore declaring that a regional emergency exists in the Southern Region in the highway transportation of certain petroleum products. Motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel to address transportation needs arising from the hurricane disaster (such as fuel supply shortages) are exempt from 49 CFR Parts 390-399, from 1:00 p.m. EDT, August 31, 2005, until 1:00 p.m. EDT, September 14, 2005. No other petroleum products are covered by the exemption.

Nothing contained in this declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility requirements (49 CFR Part 387), applicable size and weight requirements, or any other portion of the regulations not specifically identified.

Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption until the order expires or they have met the conditions for its rescission.

Drivers for motor carriers that operate under this declaration of emergency must have a copy of it in their possession.

Signed,



Jerry L. Cooper  
Field Administrator  
Southern Service Center



U.S. Department  
of Transportation

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**October 31, 2005**

On October 20, 2005, the Governor of the State of Texas declared that an emergency exists in that State due to Hurricane Rita and renewed Texas's declaration of emergency through November 19, 2005. Under 49 CFR 390.25, an extension of relief from federal regulations can be made for up to 30 days by the FMCSA Field Administrator.

I find that an extension in the State of Texas of the relief from 49 CFR Parts 390-399 for motor carriers and drivers providing direct assistance in emergency relief from Hurricane Rita, regardless of commodity, is necessary due to the severity of emergency needs and the appropriate coordination of State and Federal responses. Subject to further extension as conditions may require, I declare a regional emergency exists in the State of Texas from today through November 19, 2005.

Motor carriers and drivers are reminded that relief from 49 CFR Parts 390-399 applies only to direct assistance in emergency relief, as defined in 49 CFR 390.5. Parts 390-399 fully apply to all other commercial motor vehicle operations and to States where declarations of emergency have not been extended.

Signed,

A handwritten signature in black ink, appearing to read "Jerry L. Cooper", written over a light circular stamp.

Jerry L. Cooper  
Field Administrator  
Southern Service Center



## Federal Motor Carrier Safety Administration -

<http://www.fmcsa.dot.gov/about/news/news-releases/2005/083105.htm>

The FMCSA staff extend their deepest sympathies to the victims of Hurricanes Wilma, Rita, and Katrina, and thanks to those in the industry helping to restore normalcy and hope in these areas.

- [President's Statement on Federal Disaster Assistance for Florida from Hurricane Wilma](#)
- [FMCSA Relief from Regulations Extended; Texas Governor's Declaration of Emergency Renewed](#)
- [Florida Governor Declares State of Emergency After Hurricane Wilma](#)

FMCSA is providing the following information to assist motor carriers and drivers in understanding how the aftermath of Hurricanes Wilma, Rita and Katrina may affect their transportation operations.

### Emergency Declaration Information

To provide vital supplies and transportation services to the disaster area in the United States, emergency declarations were issued by the President, Governors of States, and by FMCSA. These declarations triggered the temporary suspension of certain Federal safety regulations, including [Hours-of-Service \(HOS\)](#), for motor carriers and drivers engaged in specific locations and aspects of the emergency relief effort.

Relief from Federal safety regulations is limited to a maximum of 30 days, unless extended by FMCSA itself. In order to be in full compliance with all declarations, be sure to read the [definitions](#) of "emergency" and "emergency relief."

The table below reflects current available relief.

Refer to the [frequently asked questions](#) (FAQ) for more information.

#### Declaration Details

##### FIMCSA REGIONAL DECLARATION:

***Emergency Cargo*** - Motor carriers and drivers providing direct emergency relief **to, from or within** the areas covered by the FMCSA regional declaration are temporarily relieved from Parts 390-399 of the Federal safety regulations, including [Hours of Service \(HOS\)](#), **regardless of commodity carried**.

State	Expiration Date
<a href="#">Texas</a>	November 19, 2005
<a href="#">Florida</a>	November 22, 2005
<a href="#">Louisiana</a>	November 22, 2005
<a href="#">Mississippi</a>	November 22, 2005

Drivers and carriers should coordinate with State and Federal emergency officials before providing assistance

#### Questions:

If you have any questions regarding the emergency exemptions identified in [CFR 49 Part 390.23](#) of the Federal Motor Carrier Safety Administration Regulations please contact [local FMCSA Division Office](#).

As always, FMCSA urges all truck drivers and motor carriers providing relief to exercise their best judgment regarding safety.

#### Details on Affected Rules and Information

- [Temporary Relief of HOS and Other Federal and State](#)

#### Federal Links

- [The White House Hurricane Relief](#)